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Exemption(s):

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Date ☐ Declassify on ☐ Reason

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Returning to normal

ONE of the most encouraging signs of the country's slow return to "normal" is the increasing assertiveness of the Supreme Court. For many years the highest tribunal in the land systematically refused to make rulings that could bring it into conflict with the government. During the last twelve months, however, it has abandoned these extra-legal inhibitions and is now concerning itself more with its principal task, which is to do everything it can to ensure that the law is properly interpreted and obeyed. The Court's ability to make its rulings prevail are, naturally, limited — like the Pope the Supreme Court has few battalions at its disposal — and where its will runs counter to that of the government, the government will win. But in this constant tug-of-war the Supreme Court's moral force can be expected to prevail in the end.

In every country of the world where governments accept legal restrictions to their actions, conflicts between the executive and the courts are a permanent fact of life. When a court's rulings displease it, a government can appeal, and usually is able to call on lawyers with a formidable knowledge of the arguments for the government's case that are provided by the law. But if in the end the Supreme Court decides that the government must cease or desist in its course, then the government must obey. There is no particular humiliation in this, it is simply the way some problems are decided in any democratic, law-abiding state.

The Argentine government has not yet accepted the Supreme Court's right to tell it how the law should be applied. This is not surprising. The armed forces took power in a country where the broken-backed condition of the judiciary was one of the most dramatic characteristics of the crisis destroying it. But now, almost three years after National Reorganization began, the Supreme Court is getting to its feet once again. This is a matter of historic importance for Argentina, and it is thanks to the selfless actions of the armed services that it is happening.

The cases pitting the Supreme Court and others against the government or certain branches of it are not in themselves of fundamental importance. The way they are resolved will not affect constitutional procedure in Argentina. What they will affect, however, is the speed and effectiveness with which an important phase of National Reorganization is traversed. If Argentina is ever to return to the "normality" it has so rarely known in recent decades, the final decisions of the Supreme Court will prevail over the government's interpretations of its own interests as a matter of course.

The reassertion of the Supreme Court is the reassertion of an ethical approach to the conflicts arising in Argentine society. One of the principal reasons for the military's assumption of power was the disgust and despair of many senior officers at the way corrupt influence and brute violence had ousted legal and moral considerations in Argentine life. Now, their efforts are bearing fruit in the form of a Supreme Court that is no longer afraid to speak for justice.

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